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| 10/707,295 | 12/03/2003 | Gang Qiu | | 1294 |

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GANG QIU
20910 PEPPER TREE LN
CUPERTINO, CA 95014

| EXAMINER |
|---|
| DAY, HERNG DER |

| ART UNIT | PAPER NUMBER |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/707,295 | QIU, GANG | |
| | Examiner | Art Unit | |
| | Herng-der Day | 2128 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *03 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-140* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-140* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/7/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

**1.** Claims 1-140 have been examined and rejected.

### *Priority*

**2.** Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) is acknowledged. The provisional application number is 60/430,824, filed December 3, 2002.

### *Oath/Declaration*

**3.** The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the inventor's signature does not in compliance with the requirement regarding S-signature as defined in 37 CFR 1.4(d)(2).

### *Drawings*

**4.** The drawings are objected to for the following reasons. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include **all** of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes

are not accepted by the Examiner, the Applicants will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**4-1.** In FIG. 1A, it appears that the reference sign for "a novice user" should be "10" and the reference sign for "any stage" should be "12".

### *Abstract*

**5.** The abstract of the disclosure filed December 3, 2004, is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

### *Specification*

**6.** The disclosure is objected to because of the following informalities. Appropriate correction is required.

**6-1.** It appears that there is a redundant left brace at line 7 of paragraph [0161].

### *Claim Objections*

**7.** Claims 11 and 81 are objected to because of the following informalities. Appropriate correction is required.

**7-1.** Regarding claim 11, step (h) should be ended with a ";", not a ".".

**7-2.** Regarding claim 81, step (h) should be ended with a ";", not a ".".

## *Claim Rejections - 35 USC § 112*

**8.** The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**9.** Claims 1-138 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**9-1.** Claim 1 recites the limitation "said input and said output of said software" in line 18 of the claim. There is insufficient antecedent basis for this limitation in the claim.

**9-2.** Claim 12 recites the limitation "said AfterEvent Probe" in line 18 of the claim. There is insufficient antecedent basis for this limitation in the claim.

**9-3.** Claim 71 recites the limitation "said input and said output of said software" in line 23 of the claim. There is insufficient antecedent basis for this limitation in the claim.

**9-4.** Claim 82 recites the limitation "said AfterEvent Probe" in line 18 of the claim. There is insufficient antecedent basis for this limitation in the claim.

**9-5.** Claims not specifically rejected above are rejected as being dependent on a rejected claim.

## *Recommendations*

**10.** Claim 13 recites the limitation "reroute a calling to said marker to a new function" in line 9 of the claim. For clarification purposes, the Examiner suggests that "reroute a calling to said marker to a new function" be replaced with "reroute a calling to said marker function to a new function".

## *Claim Rejections - 35 USC § 102*

**11.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**12.** Claims 1-3, 48-51, 71-73, 116-119, and 139-140 are rejected under 35 U.S.C. 102(e) as being anticipated by Chailleux, U.S. Patent Application Publication No. 2002/0109736 A1 published August 15, 2002.

**12-1.** Regarding claim 1, Chailleux discloses a method for modeling and simulating software running interactively directly or indirectly on at least one digital computer, comprising the steps of:

providing a display (display 3, paragraph [0048]);

providing an input, wherein said input connects at least one of a pointing device, a keyboard and external interactive devices to said software (User input devices, paragraph [0048]);

providing an output, wherein said output connects a block of memory to said display (Display Adapter 30, paragraph [0049]);

providing a software controller, wherein said software controller is a programmable agent controlling said software to perform tasks (executes the software application, paragraph [0061]);

providing a software modeling process, wherein said software modeling process models an interaction process between said software and said software controller (authoring program, paragraph [0046]), further comprising the sub-steps of:

(a) connecting said software controller with said software through said input and said output of said software, (b) controlling said software by said software controller (executes the software application, paragraph [0061]), and

(c) identifying a model of said software on-line (Create Presentation Applet, Fig. 1); and

providing a software simulation process, wherein said software simulation process simulates said interaction process between said software and said software controller (playback of the presentation, paragraph [0047]), further comprising the sub-steps of:

(d) connecting said software controller with said model of said software through a simulated input and a simulated output of said model of said software, (e) controlling said model of said software by said software controller (Sequence controls … are provided, paragraph [0047]), and

(f) simulating said interaction process between said software and said software controller without said software presence (playback of the presentation, paragraph [0047]); and

wherein said software simulation process is a new software that comprises said model of said software and said software controller (Java applet, paragraph [0046]).

**12-2.** Regarding claim 2, Chailleux further discloses comprising the step of:

providing a discrete sampling domain, wherein said discrete sampling domain is a finite integer sequence K with a current sampling k indicating the most recent sampling (the number of screenshots currently taken can be determined, paragraph [0069]).

**12-3.** Regarding claim 3, Chailleux further discloses comprising the steps of:

providing a software dynamic system to represent said software modeling process, wherein said software dynamic system is a discrete system defined over said discrete sampling domain K (another computer program automatically performs one or more of the authoring steps, paragraph [0060]);

wherein said software simulation process simulates said software dynamic system (playback of the presentation, paragraph [0047]).

**12-4.** Regarding claim 48, Chailleux further discloses wherein said software modeling process is a software modeling automation that runs autonomously (another computer program automatically performs one or more of the authoring steps, paragraph [0060]).

**12-5.** Regarding claim 49, Chailleux further discloses wherein said software simulation process is a software simulation automation that runs autonomously, wherein the method further comprises the step:

providing an output of said software simulation automation, wherein said output of said software simulation automation is said output of said model of said software that is manipulable (playback of the presentation, paragraph [0047]).

**12-6.** Regarding claim 50, Chailleux further discloses wherein said software simulation automation is augmented with additional computation while said software dynamic system is preserved (the advertising banner can be initialized, updated, or replaced, paragraph [0100]).

**12-7.** Regarding claim 51, Chailleux further discloses wherein the step of augmenting said software simulation automation further comprises the steps of:

providing an interaction input component H, wherein said interaction input component H engages a user to interact with said software simulation automation (Editing and checking of the cursor shape and movement can be performed, paragraph [0078]);

providing an index component G, wherein said index component G controls visibility of said output of said software simulation automation (slide number, paragraph [0076]);

providing a programmable extension component E, wherein said programmable extension component E extends programmatically said software simulation automation with additional computational process (the advertising banner can be initialized, updated, or replaced, paragraph [0100]).

**12-8.** Regarding claims 71-73 and 116-119, these system claims include the equivalent method limitations as in claims 1-3 and 48-51 and are anticipated using the same analysis of claims 1-3 and 48-51.

**12-9.** Regarding claim 139, Chailleux discloses a method for modeling and simulating software running interactively directly or indirectly on at least one digital computer, comprising the steps of:

providing a first software, wherein said first software is a binary software that is runnable in the form of EXE or Dynamic Link Libraries (DLL) (the software application, paragraph [0061]);

providing a second software, wherein said second software is programmed to synthesize at least one of a plurality input actions, wherein said plurality of input actions comprise, at least

one pointing device action, at least one keyboard action, and at least one external input action (Authoring Program, Add text, cursor movement and transitions, clickable areas, Fig. 1);

executing said first software under control of said second software by applying said synthesized input actions to said first software by said second software (Authoring Program, Execute Application Program to Obtain Screenshots, Fig. 1);

capturing a model of said first software, wherein said model of said first software records an input and output behavior of said first software under control of said second software (Authoring Program, Create Presentation Applet, Fig. 1);

controlling said model of said first software by said second software to simulate said input and output behavior of said first software under control of said second software (controls are shown to allow the author to direct how the applet is played back in a browser, paragraph [0096]);

creating a third software, wherein said third software comprises said model of said first software and said second software (the applet is built, paragraph [0097]).

**12-10.** Regarding claim 140, the system claim includes the equivalent method limitations as in claim 139 and is anticipated using the same analysis of claim 139.

***Allowable Subject Matter***

**13.** Claims 4-47,52-70, 74-115, and 120-138 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

## *Conclusion*

**14.** The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Jacober et al., U.S. Patent 6,020,886 issued February 1, 2000, is cited as disclosing a method for generating animated help demostrations.

**15.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day H.D.
May 28, 2007

KAMINI SHAH
SUPERVISORY PATENT EXAMINER